

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHRISTOPHER ODDO,
HARRY HYADUCK, SR., LARRY
KAHHAN and GERALD DWYER, on
Behalf of Themselves and All Other
Persons Similarly Situated,

Plaintiffs,

T-MOBILE USA, INC.,

Defendant.

Civil Action No.

2:24-cv-07719 (MEF-JRA)

ORDER

THIS MATTER having come before the Court by way of a joint dispute letter dated May 9, 2025 (ECF No. 45, the “Joint Dispute Letter”) by Plaintiffs Christopher Oddo, Harry Hyaduck, Sr., Larry Kahhan, and Gerald Dwyer (collectively, “Plaintiffs”), together with counsel for Defendant T-Mobile USA Inc. (“T-Mobile”); and the Court having considered the parties’ arguments as asserted in the Joint Dispute Letter; and the Court having held a discovery dispute hearing on the record with the parties on May 19, 2025; and the Court finding that T-Mobile’s Motion to Dismiss for lack of jurisdiction may dispose of the entire case; and T-Mobile having represented that it intends to pursue its Motion to Compel Arbitration filed with the Motion to Dismiss as an alternative request for relief (*see* ECF No. 11 at 19-32) even if the case were to survive the Motion to Dismiss; and T-Mobile’s Motion to Compel Arbitration being based on an alleged arbitration agreement applicable to Plaintiffs that states:

By accepting these [Terms and Conditions], you are agreeing to resolve any dispute with us through individual binding arbitration or small

claims dispute procedures (unless you opt out), and to waive your rights to a jury trial and to participate in any class action suit;

and the disputes raised in the Joint Dispute Letter being better addressed after the Motion to Dismiss is resolved, and for the remaining reasons stated on the record;

IT IS on this **19th** day of **May 2025**, **ORDERED** that:

1. Discovery is stayed pending resolution of T-Mobile's Motion to Dismiss (ECF No. 11). *See* L.Civ.R. 16.1(a)(1) (discovery may be stayed by the Magistrate Judge "due to pendency of a dispositive or other motion"); *Gerald Chamales Corp. v. Oki Data Americas, Inc.*, 247 F.R.D. 453, 454 (D.N.J. 2007).
2. In light of the foregoing, the disputes raised in the parties' Joint Dispute Letter are deemed **MOOT**.

A handwritten signature in black ink, appearing to read "José R. Almonte", written over a horizontal line.

HON. JOSÉ R. ALMONTE
UNITED STATES MAGISTRATE JUDGE